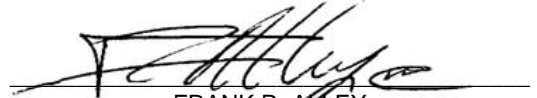


April 05, 2013

Clerk, U.S. Bankruptcy Court

NOTICE IS GIVEN, and it is ordered, that the claim below shall be disallowed or allowed as recommended below and, unless any chapter 13 confirmation order entered hereafter provides otherwise, the amount of any arrearage will be fixed as recommended below, without further order, unless within 32 days of the date in the FILED stamp above the creditor EITHER: (1) sends, with a copy of this objection, the proper documentation to the trustee/debtor-in-possession and any other objecting party at the service address(es) below, and receives a written withdrawal of objection; or (2) BOTH: (a) files a written request for a hearing, setting forth the specific grounds for such request, with the Clerk of Court (i.e., if the 5-digit portion of the Case No. begins with 3 or 4, at 1001 SW 5th Ave. #700, Portland OR 97204; or, if it begins with a 6 or 7, at 405 E 8th Ave #2600, Eugene OR 97401), and (b) serves a copy thereof on the trustee/debtor-in-possession and any other objecting party at the service address(es) below. [NOTE: This Order does not indicate how the Court will rule if a timely request for hearing is filed.]



FRANK R. ALLEY  
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re  
**DANIEL H. NIELSEN**

Debtor(s)

)  
) Case No. 11-62735-fra13  
)  
) TRUSTEE'S OBJECTION TO  
) CLAIM NO. 5, AND  
) **ORDER AND NOTICE THEREON**

1. The trustee objects to Claim No. 5, filed in the amount of \$ 4,812.99, by \_\_\_\_\_  
**Capital One, N.A.**

\_\_\_\_\_, whose current filed address is  
**c/o Bass & Associates, P.C., 3936 E Ft. Lowell Rd. Ste 200, Tucson, AZ 85712**

2. The trustee objects to such claim on the ground(s) it (check all applicable sections):

- ☐ Duplicates Claim No. \_\_\_\_\_ filed by \_\_\_\_\_.
- ☐ Does not include a copy of the writing upon which it is based [NOTE: Do NOT use this for claims based on a statute (e.g., taxes)].
- ☐ Does not include an itemized statement of the account.
- ☐ Does not include a copy of the underlying judgment.
- ☐ Does not include a copy of security agreement and evidence of perfection.
- ☐ Fails to assert grounds for priority.
- ☐ Does not include a copy of the assignment(s) upon which it is based.

## 2. (Continued)

- ☐ Appears to include interest or charges accrued after the filing.
- ☐ Appears value of collateral exceeds debt.
- ☐ The creditor filed a secured claim, but neither: (a) specified that any portion of the claim should be treated as unsecured nor (b) requested a hearing to determine the value of their collateral, and therefore the trustee objects to any portion of the claim being treated as unsecured.
- ☐ The creditor filed a claim for taxes assessed against real or personal property of the debtor(s). The trustee represents that the interest of the estate in the real or personal property against which the above taxes were assessed has no value in that the estate has no equity or interest in such property, and so under the provisions of 11 U.S.C. §502(b) no order can be made for payment of such taxes.
- ☐ Arrearage asserted is incorrect.
- ☒ Claim is deemed fully secured pursuant to paragraph 4 of the confirmed plan.
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

## 3. The trustee recommends said claim be (check applicable box(es)):

- ☐ Disallowed in full.
- ☒ [NOTE: FILL in EACH blank even if \$0] Allowed as a SECURED claim for \$ 4,812.99; a PRIORITY UNSECURED claim for \$ 0; AND a NONPRIORITY UNSECURED claim for \$ 0.
- ☐ [If amount of arrearage is contested] The amount of the arrearage is \$ \_\_\_\_\_.

4. **THE TRUSTEE CERTIFIES THAT** a copy of any Withdrawal of this Objection will be served on all parties that were served a copy of this Objection (i.e., the U.S. Trustee (except if a ch. 13 case); debtor(s), the creditor at the address shown above, and their respective attorneys; and, if the creditor is a federal agency, on the U.S. Attorney for the District of Oregon and the U.S. Attorney General).

DATE: 4/5/13/s/ Paul J. Garrick, OSB #82475, Attorney for

Trustee

Trustee's Service Address: P.O. Box 467, Eugene, OR 97440-0467Trustee's Phone Number: (541) 343-1556